

NEIL ABERCROMBIE
Governor



State of Hawaii
DEPARTMENT OF AGRICULTURE
1428 South King Street
Honolulu, Hawaii 96814-2512

RUSSELL S. KOKUBUN
Chairperson, Board of Agriculture

JAMES J. NAKATANI
Deputy to the Chairperson

TESTIMONY OF RUSSELL S. KOKUBUN
CHAIRPERSON, BOARD OF AGRICULTURE

BEFORE THE HOUSE COMMITTEE ON AGRICULTURE
WEDNESDAY, FEBRUARY 2, 2011
9:40 AM
ROOM 312

HOUSE BILL NO. 288
RELATING TO PLANTS

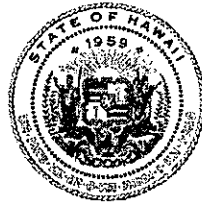
Chairpersons Tsuji and Members of the Committee:

Thank you for this opportunity to provide testimony on House Bill No. 288. The purpose of this Act is to require the Board of Agriculture to perform a risk assessment on imported plants that pose a danger. The Department supports the intent of the measure which is to minimize the importation of plants that pose a danger to agriculture, the environment, and our natural resources. However, the Department does not have the personnel resources to undertake a comprehensive risk assessment on all plant species that are imported into the State that have no previous presence in the State and that are not designated as restricted plants at the present time. This task will be monumental for the department at a time when the department is vastly understaffed at air and sea ports statewide to carry out inspection programs. Therefore, the Department supports the intent of this measure but cannot support the passage of this bill at this time without the provision of necessary funding to carry out the stated responsibilities.

Thank you for the opportunity to testify on this measure.



NEIL ABERCROMBIE
GOVERNOR OF HAWAII



**STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES**

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

**Testimony of
WILLIAM J. AILA, JR.
Chairperson**

**Before the House Committee on
AGRICULTURE**

**Wednesday, February 2, 2011
9:40 AM
State Capitol, House Conference Room 312**

**In consideration of
HOUSE BILL 288
RELATING TO PLANTS**

House Bill 288 requires the Board of Agriculture to perform a risk assessment on plants that pose a danger to and are imported into the State. The Department of Land and Natural Resources (Department) offers the following comments on the proposed bill.

The Department recognizes this as a needed step to protect Hawaii from further harm from invasive species, but also recognizes that it is not possible to implement a major expansion of duties and responsibilities to perform these risk assessments at this time with the limited and reduced staff available in the Department of Agriculture's inspection program. The implementation of an expanded program of risk assessment will require the restoration and increase in Department of Agriculture staff capacity to manage the program.

WILLIAM J. AILA, JR.
INTERIM CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

GUY H. KAULUKUKUI
FIRST DEPUTY

WILLIAM M. TAM
DEPUTY DIRECTOR - WATER

AQUATIC RESOURCES
BOATING AND OCEAN RECREATION
BUREAU OF CONVEYANCES
COMMISSION ON WATER RESOURCE MANAGEMENT
CONSERVATION AND COASTAL LANDS
CONSERVATION AND RESOURCES ENFORCEMENT
ENGINEERING
FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS



Poamoho Organic Produce

PO Box 728

Waialua HI 96791

808-637-4555

info@poamoho-organic.com

January 30, 2010

To: House Committee on Agriculture

Re: Hearings on February 2nd, 9:40 am, Rm 312

Subject: Testimony regarding HB 866, HB 284, HB 286, HB 288 & HB 865

Aloha Committee Chair and Committee Members,

I am an organic farmer on the North Shore of Oahu and President of the Hawaii Center for Organic Farming. Please accept my testimony on the subject Bills.

In the case of SB 866: Related to the Registration of Beekeepers. I am opposed to this Bill as written because it appears to have no real purpose other than a bureaucratic registration process. I am a beekeeper; two years ago I had 10 hives; I am now down to 2 hives due to varroa mite. Our Department of Agriculture has been deficient in both their measures for preventing invasive species as well as their rapid response to new infestations. This Bill could have enormous support to our beekeepers if "registration" was part of an overall bee industry invasive species prevention AND treatment program.

In the case of HB 284: Related to Income Tax Exclusions for Small Farmers. I am a small farmer who will benefit by this Bill; however it is far too generous and too inclusive. As written with the \$500,000 limit, this Bill will provide tax exclusions to 97% of our farms including all fake farms, all backyard gardeners and hobbyists. To conform to the State's 2050 Sustainability Plan, supportive legislation must focus on those real farms that grow "local food for local consumption". I recommend this Bill be amended to: 1) restrict tax exemptions to only those farms producing foods for our own local markets, NOT exports; 2) reduce the ceiling to \$100,000 to better focus on "real" small farms and; 3) add a floor of \$25,000 to eliminate fake farms and home gardens.

In the case of HB 286: Related to Excise Tax Exclusions on the Sale of Agricultural Products. I am opposed to this Bill as written because it will exempt ALL farms in the State from the Excise Tax. By our existing Excise Tax Code, farmers are "producers" and already only pay .5% vs 4% (4.5% on Oahu). Any exclusion from our Excise Tax should only be directed to those small farms that grow "local food for local consumption". We should not be exempting large farms or those that produce for export or those that produce non-food items such as GMO corn seed.

In the case of HB 865: Increases the Inspection Fee. Presently, our public monies are being used to subsidize the importation of food which undermines competition of our local farmers. This Bill should be amended to task the Hawaii Department of Agriculture (HDOA) to identify ALL of its budgeted expenses associated with this inspection effort and further amended so that the fee covers and replaces ALL of these budgeted costs.

Al Santoro, Farmer

<http://poamoho-organic.com>

info@poamoho-organic.com



Maui County Farm Bureau

P.O. Box 148 • Kula, Hawaii 96790 • Phone/Fax: (808) 878-2688 • www.mauicountyfarmbureau.org

January 29, 2011

Testimony

RE: HB288 RELATING TO PLANTS

Chair Tsuji and Members of the Committee:

Maui County Farm Bureau on behalf of our commercial farm and ranch families and organizations on the island supports the intent **BUT OPPOSES PASSAGE OF HB288**, requiring the Board of Agriculture to perform risk assessments on plants imported into the state.

MCFB agrees with the authors of this measure that good risk assessments will greatly reduce the unintended introduction of invasive species into the State. However, it requires that the evaluation be a careful balance between benefit and risk and it be done by people with qualified backgrounds. Requiring the the Board of Agriculture to undertake this at this time is unreasonable. Recent budgetary shortfalls have derailed the State Biosecurity Plan and many other critical programs need priority. This concept needs futher development before consideration for law.

We respectfully request that this measure be HELD at this time.

Thank you for this opportunity to provide our opinion on this important matter. If there are questions, please contact Warren Watanabe, Executive Director of MCFB at 2819718.

Testimony of The Nature Conservancy of Hawai'i
Supporting the Intent of H.B. 288 Relating to Plants
House Committee on Agriculture
Wednesday, February 2, 2011, 9:40AM, Rm. 312

The Nature Conservancy supports the intent of H.B. 288 requiring the Hawai'i Department of Agriculture (HDOA) to perform a risk assessment on new plants entering the state.

Invasive weeds, insects, diseases, snakes, and other pests are one of the greatest threats to Hawaii's economy, agriculture, natural environment, and the health and lifestyle of its people. The HDOA has developed a multi-faceted Biosecurity Plan to enhance its invasive species prevention efforts with more inspectors, more efficient and effective inspection services, improved inspection facilities, and agreements with importers and producers for improved sanitary protocols before items are shipped to Hawai'i. The Legislature's ongoing policy and financial support of the Biosecurity Plan has been essential to its implementation.

Improved screening of new plants entering the state, as well as streamlining the HDOA's authority to add plants to the State noxious weed and restricted plant lists are important policy initiatives. However, we have a few concerns with this bill:

- Given the current financial and personnel limitations faced by the HDOA, we are uncertain whether the department has the capacity at this time to implement the screening.
- The federal Plant Protection Act (7 USC §7756) preempts certain actions by states to restrict the movement or entry of plants in foreign and interstate commerce. A legal analysis should be undertaken to determine whether and how a risk assessment screening followed by prohibited entry may be undertaken in compliance with this law.

Also, many local nurseries and landscaping firms are voluntarily subjecting their new plant imports to the Hawaii-Pacific Weed Risk Assessment System (www.hpwra.org), which is a positive development. The HPWRA could play a useful role in assisting the department with risk assessments. Also, the HDOA must go through full Chapter 91 rule making to add even a single plant to the state noxious weed or restricted plant lists. With improved risk assessment, it would be useful for the department to have an easier process for updated plant lists.

6

BOARD OF TRUSTEES

S. Haunani Apoliona Christopher J. Benjamin Anne S. Carter Richard A. Cooke III Peter H. Ehrman Kenton T. Eldridge
Thomas M. Gottlieb Donald G. Horner J. Douglas Ing Mark L. Johnson Dr. Kenneth Y. Kaneshiro Bert A. Kobayashi, Jr.
Faye Watanabe Kurren Eiichiro Kuwana Duncan MacNaughton Bonnie P. McCloskey Bill D. Mills Wayne K. Minami Michael T. Pfeffer James C.
Polk H. Monty Richards Jean E. Rolles Scott C. Rolles Crystal K. Rose Nathan E. Smith Eric K. Yeaman

hashem2 - Dorothy

From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, February 01, 2011 2:22 PM
To: AGRtestimony
Cc: espiritu.justine@gmail.com
Subject: Testimony for HB288 on 2/2/2011 9:40:00 AM

Testimony for AGR 2/2/2011 9:40:00 AM HB288

Conference room: 312
Testifier position: support
Testifier will be present: No
Submitted by: Justine Espiritu
Organization: Individual
Address:
Phone:
E-mail: espiritu.justine@gmail.com
Submitted on: 2/1/2011

Comments:

I support HB 288. I want the Board of Agriculture to make sure that any plants imported to Hawaii are not going to be harmful to the plants we have here in the state.